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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,030	02/28/2001	Robert H. Detig	2349103US	5082

7590 08/20/2003

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EXAMINER

LEE, SUSAN SHUK YIN

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,030

Applicant(s)

DETIG, ROBERT H.

Examiner

Susan S. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/28/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 17-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 10-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

As to the amendment to the specification, page 7 of the specification, first paragraph, line 3, "excess liquid 51" is not consistent with the second paragraph, line 3, "residual diluent 51".

As to the amendment to the specification, page 7 of the specification, second paragraph, line 3, "liquid toner 50" is not consistent with line 7, "transfer 50".

As to the amendment to the specification, page 20, last paragraph, line 2, "charge 312" is inconsistent with line 2, "black toner 312".

Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 128 (claim 10) and 111. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 140. A proposed drawing correction or corrected drawings are

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required in reply to the Office action to avoid abandonment of the application.

The objection to the drawings will not be held in abeyance.

Claim Objections

The claims are replete with numerous errors such as same number for different elements, missing words, and no changes made to the rest of the claims to reflect the amended portions of the claims. Again, the applicant is asked to carefully review the claims for errors. Some of the errors are of the following:

Claims 1-8 and 10-16 are objected to because of the following informalities:

As to claim 1, lines 10 and 13, "25" is recited for two different elements, as a transfer station, line 10, and a means for filling the mechanical gap, line 13.

As to claim 10, line 17, "flat receiving glass (130)" should be - - flat receiving glass plate (130) - -.

As to claim 11, lines 4-6, "the glass plate (124)"; "said glass plate (124)"; and "said glass (124)" should be - - the glass plate (130) - -; - - said glass plate (130); and - - said glass plate (130) - - respectively.

As to claim 14, line 2, "said glass plate (200)" should be - - said glass plate (130) - -.

As to claim 15, line 2, "the glass plate (200)" should be - - said glass plate (130) - -.

As to claim 16, lines 1-2, "230" is recited as two different elements, "a phosphor particle toner (230)", lines 1-2, and "a relieved structure (230)", line 2.

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As to claim 16, lines 2-3, "a ribbed (202) glass plate (200)" is awkward. Is "ribbed" an element? Should "glass plate (200)" be - - glass plate (**130**) - -?

As to claim 16, lines 3-4, "said ribs (202)" is unclear. There is only one recitation of "ribbed (202)" and it is not clear whether that is an element or not from the way it is claimed in claim 16, line 2. In addition, why is there more than one rib (202)? There were no previous recitations of "ribs (202)" in claims 10 and 16.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, lines 18-19, "said toner particles" lack antecedent basis.

As to claim 2, line 2, "said transferred corona unit" lacks antecedent basis.

As to claim 2, line 10, "said glass" lacks antecedent basis.

As to claim 6, line 1, "said developer unit" lacks antecedent basis.

Allowable Subject Matter

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Claims 1-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 10-16 are allowed over the prior art of record.

Election/Restrictions

This application contains claims 9 and 17-22 drawn to an invention nonelected with traverse in Paper No. 5. Although claims 9 and 17-22 are described as "withdrawn" in the amendment filed 5/28/03, that does not indicate that the claims are cancelled. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

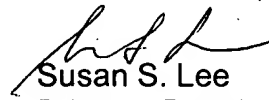
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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 703-308-2138. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 703-308-1373. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Susan S. Lee
Primary Examiner
Art Unit 2852

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